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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri S.R. Nayak, C.J.

Writ Petition No.3831 of 2003

PETITIONERS

1. N.Pal, S/o Late G.N. Pal Aged about 66 years, R/o Old R.T.O. Road, Kududand Bilaspur, Dist. Bilaspur (C.G.)
2. R.C. Franklin, S/o Late A.S. Franklin, aged about 65 years, R/o Chandni Chowk, Kududand, Tahsil & Distt. Bilaspur (Chhattisgarh)
3. Manoranjan Elkana, S/o Late M L Elkana, aged about 37 years, R/o Majhwapara, Jarhabhata, Bilaspur, Tah. & District Bilaspur (C.G.)
4. Wiliam Ram S/o Shri P.R. Ram, aged about 65 years, R/o Kududand, Bilaspur Tahsil & Dist. Bilaspur (CG)
5. Herold Walter, S/o Late B.L. Walter, aged about 63 years, R/o Nehru Nagar, Bilaspur Tah. & Dist. Bilaspur (C.G.)
6. Philip James, S/o Late W. James, aged about 64 yrs., R/o Civil Court Road, Kududand, Bilaspur, Tah. & District Bilaspur (CG)

versus

RESPONDENT

Church of Christ Mission In India, Kududand, Bilaspur (Chhattisgarh) C/o Shri Ishwari Lal, aged About 70 years, S/o Late Pyarelal, Secretary, Church of Christ Mission In India, R/o Kududand, Bilaspur Tah. & Dist. Bilaspur (CG)

Present : Mr. Manindra Shrivastava, learned Senior Advocate with Mr. Amrito Das, learned counsel for the petitioners.
Mr. Rajeev Shrivastava, learned counsel for the respondent.

ORAL ORDER
(Passed on 17th February, 2006)

This writ petition filed under Article 227 of the Constitution arises out of an application filed by the respondent - plaintiff under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure.

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The trial Court rejected the application. When that was challenged before the appellate Judge, the same was allowed and temporary injunction was granted in favour of the plaintiff. The matter was carried to this Court by way of Civil Revision No.494 of 2001 and this Court, having entertained the civil revision, by its order dated 10-10-2001, made an interim arrangement allowing both the warring groups to pray for the Lord in the subject Church and that order has been in operation till date. The suit is of the year 1998. It must be in a very advanced stage. The order made by this Court on 10-10-2001 has been in operation till date. I think that the ends of justice would be met by directing the same order to continue till the disposal of the suit and directing the learned trial Judge to hear and dispose of the main suit within a time-frame. In that view of the matter, I dispose of the writ petition and direct that the interim order made on 10-10-2001 in Civil Revision No.494/2001 shall be in operation till the disposal of the suit. The learned trial Judge is directed to expedite the trial of the suit and dispose of the same as early as possible at any rate within a period of six months from the date of receipt of a copy of this order. The Registry is directed to send a copy of this order to the learned trial Judge forthwith. It is directed that the learned trial Judge shall not be influenced by any of the order made by the learned appellate Judge or by this Court and the suit should be decided on the basis of evidence that may be adduced by the parties. No costs.

Sd/-
Chief Justice

Gopal